

26 6226 1508/16
T R I A L

OF

FRANCIS BELLEW, Esq.

YOUNGEST SON

OF

SIR PATRICK BELLEW, BART.

FOR

APPEARING IN ARMS,

WITH A

MOB OF DEFENDERS,

ON THE 26TH OF DECEMBER, 1792.

D U B L I N:

PRINTED BY P. BYRNE, GRAFTON-STREET.

1794.



FRANCIS WILKINSON, Esq.

10, JOURNAL STREET, LONDON.

RECEIVED BY THE

BRITISH MUSEUM

ON THE 17TH OF JUNE 1860

BY THE

LIBRARIAN

PRINTED BY T. & A. G. GARRISON STREET.

1860

THE following trial it is thought, will be deemed worthy the attention of the public, not on account of any thing very interesting appearing in the detail of it, but on account of the nature of the charge brought forward against a gentleman of character and family; and on account of its forming one of the several prosecutions which have been carried on during the late assizes, against persons of the same religious persuasion with the gentleman whose trial is here related. The evidence on which this charge was supported, may also be matter worth attending to.



INDICTMENT.

County of Louth, to wit.

DUNDALK SPRING ASSIZES, 1794.

*On Saturday, April 19th, the following Trial
came on before the Honourable JUSTICE
CHAMBERLAIN :—*

<i>The King, against Francis Bellew, Esq.</i>	} THE jurors, &c. say and present, that Fran- cis Bellew, of Bar- meath, in the county of Louth, Esq; with many other evil-disposed persons and dis- turbers of the peace of our said Lord the King, whose names the jurors aforesaid are ignorant of; on the 31st December, 33d King, at Drumin, in said county Louth, being armed with fire-arms, firelocks, and other offensive weapons, did tumultuously, mali- ciously and unlawfully rise, assemble and appear armed as aforesaid, to the terror of his
---	---

his Majesty's subjects, to the evil example of all others in the like case offending against peace and statute.

THOMAS MURPHY, *the first Witness produced on the Part of the Crown, was examined as follows, by MR. M'CARTNEY.*

Q. Do you recollect Christmas, 1792?

A. I do.

Q. Where did you live at that time?

A. I lived in Drogheda.

Q. Were you a Defender?

A. I was for about five weeks before that.

Q. Were you acquainted with any other persons who were defenders?

A. I was.

Q. Do you know a place called Drumin in the county of Louth?

A. I know a place of that name, the place I mean is on the sea side, about two miles from Drogheda, between that and Terfecken.

Q. Were you ever at a meeting of Defenders there?

A. I never was, but I was at a meeting of Defenders at the Cross of Grange, on the 26th of December, 1792, and also at Dunleer the same night.



Q. Were

Q. Were the people you met there armed?

A. Some were and some were not.

Q. Was there a great number?

A. There were at least a thousand.

Q. What did they meet for?

A. I understood their intention was to destroy the Speaker and the light-horse that were at his house, that was my end for being there.

Q. Did you see a person of the name of Bellew there?

A. I saw a Gentleman riding very fast and coming towards the people that were assembled, I did not see from which way he came some of the people said he was a son of Sir Patrick Bellew.

Q. Was he armed?

A. I can't tell, he staid but a very short time and it was a very dark night.

Q. What did he do when he came there?

A. He told the people that were assembled; that there was a troop of light-horse coming; to attack them, that they would be cut to pieces if they remained, and desired them to disperse.

Q. Did he join the mob?

A. No, he did not stay at all, but went away immediately, his horse was in a great sweat,

fwheat, and both he and his horse appeared as if he had rode a great way, and in a great hurry.

Q. Do you see that Gentleman now in court?

A. I do not know him by sight, I never knew him at all.

Q. Look round and see.

A. I know nothing about him; I would not know him if I saw him, I never knew him in my life.

Q. Did you ever see him?

A. I may have seen him once or twice walking in the streets of Drogheda.

Q. At what hour of the night did this business happen?

A. It was early in the night, I do not know exactly what hour, I left Drogheda about three o'clock, the Cross of Grange is about seven or eight miles from Drogheda, it was before bed-time.

Q. On what day did it happen?

A. It was on the 26th of December, the day after Christmas day.

Cross-examined, by MR. DOBBS.

Q. You say the horse which the Gentleman rode, was in a violent sweat?

A. He

A. He was.

Q. What colour was he?

A. I cannot tell, it was a dark night.

Q. What sort of a horse was he, was he very big or very little?

A. I don't know, I was not near enough to see, the night was dark.

Q. Did not you say he was in a violent sweat?

A. He was.

Q. Do you undertake to say, you were near enough to see that he was in a sweat, and yet you cannot tell what sort of a horse he was, whether very big or very little, what was his colour, or any thing at all about him?

A. I cannot tell what sort of a horse he was, I was not near enough to see him.

Q. What sort of a person was the Gentleman who rode him?

A. I cannot tell, it was too dark to see.

Q. Was he very big, or very little, was he remarkably fat, or very thin?

A. I cannot tell, I could not see what sort of a man he was.

Q. Cannot you describe him at all, was he as fat as I am?

A. He was not.

Q. Then your evidence is, that you were near enough to see that the horse was in a sweat, and that the person riding him as well as the horse, appeared to have come a considerable way, and in a great hurry, and yet you cannot give any kind of description, either of the person who was riding, or of the horse he rode?

A. I could not see either of them well enough.

Q. When did you first mention this business to any person?

A. About three or four months ago.

Q. Then you kept it secret for a year, how came you not to mention it sooner?

A. Because I was not desired.

Q. Who desired you to tell it when you did mention it?

A. Nobody desired me.

Q. Did not you say this moment, that you did not tell it sooner, because you were not desired, and now you say, that no person ever desired you to tell it: Sir, you are on your oath, and I desire you on that oath, to tell me who desired you to mention this?

A. Mr. Brabazon desired me.

Q. Before whom did you swear informations?

A. Before

A. Before Mr. Brabazon.

Q. Were you offered any money or reward, for swearing against Mr. Bellew?

A. I was not.

Q. Were you offered any reward, if you should convict him?

A. I was not, I heard nothing of rewards except in the newspaper.

Q. From whom did you hear that rewards were offered there to informers?

A. I can read myself.

Q. When you swore before Mr. Brabazon, did you tell him all the particulars that you have now mentioned on the table?

A. I did not, because he did not ask me.

JOHN RUXTON, of Dunleer, second Witness for the Crown, produced and sworn, examined as follows, by MR. SAURIN:—

Q. Do you recollect the 26th of December, 1792?

A. I do very well.

Q. Where were you that day?

A. I dined and slept at Sir Patrick Bellew's, at Barmeath.

Q. Did you see Mr. Francis Bellew there?

A. I saw him several times in the day, and saw him at dinner.

Q. Do you recollect any thing of guns being cleaned in the house that day?

A. I do; some short time before dinner I heard some squibs or shots fired in the yard; an old servant-maid of the house came to the door of the room where I was, and said they would frighten Mrs. Donelan (who I knew was then in a particular situation) out of her life, by their firing; I immediately went down stairs to the servant's hall; I saw Mr. Francis Bellew coming from another out-office towards the hall, he went in to the hall, just before me; I found Sir Patrick Bellew's sportsman, and another servant cleaning guns; I asked them, (rather hastily) why they would be so inconsiderate as to be firing shots in the manner they had about the house, as they knew Mrs. Donelan's situation, and would frighten her very much; they answered, they were cleaning and preparing the guns, having received directions from Sir Patrick Bellew so to do, he being determined if attacked not to give up his arms, as others had done; Mr. Francis Bellew, who was there, said nearly the same thing, and I heard Sir Patrick Bellew, in my presence in the course of that day and the

the evening frequently say, that he would defend himself, if he was attacked.

Q. Did you see any thing done with the guns afterwards?

A. Nothing, except that I saw them brought from the servants hall into the house.

Q. Did Mr. Francis Bellew dine that day at Barmeath?

A. He did.

Q. Do you recollect whether he quitted the room soon after dinner?

A. He got up from table shortly after dinner, and staid away some short time, and came back and said he heard some shots firing towards Dunleer.

Q. Did he go out of the room more than once?

A. He went out two or three times, staid away but a short time and came back; I had curiosity on his mentioning he heard shots fired, to go once to the door myself, and I heard some shots firing.

Q. Did you see him at home during the greater part of the evening?

A. I saw him at home generally during that evening.

Q. How far is the cross of Grange from Barmeath?

A. Including

A. Including the avenue from the house to the gate, I believe it is a little more than half a mile.

Q. Then a person could go there in a short time?

A. Certainly.

*Cross Examined, by MR. WILLIAM
BELLEW.*

Q. You mentioned that you were at Bar-meach on the 26th December, 1792?

A. I was.

Q. Had you seen Mr. Francis Bellew frequently that day?

A. I had, we had both been out hunting in the morning.

Q. Did you collect from any conversation with him any thing that could induce you to suppose he would join or support the Defenders?

A. I did not by any means.

Q. You mentioned something concerning guns having been cleaned that day in the house, and that you were told it was done by the directions of Sir Patrick Bellew, as he was determined to defend himself, if attacked and wished to be prepared?

A. I did.

A. I did.

Q. Now do you believe that there was any other reason for cleaning the guns, and from what you have seen and heard, do you think the reason assigned to you was the true one?

A. I believe there was no other reason, and that the answer given to me was the truth.

Q. Did you hear or see any thing in Barmeth, or from Mr. Francis Bellew on that day, that could induce you to believe any thing was intended, beyond merely cleaning the guns for the purpose mentioned?

A. Nothing.

Q. You mentioned that Mr. Francis Bellew got up from table shortly after dinner, and was away for a short time?

A. I did.

Q. You have frequently been at Barmeth, in the course of your profession, and from what you know of the general time of dining in that house, at what hour do you suppose the family went to dinner that day?

A. I should suppose from the general hour of dining, it was about half past six.

Q. Did Mr. Francis Bellew remain at table until the ladies had quitted the room?

A. He did, he remained to take two or three

three glasses of wine, after they had quitted the room.

Q. Supposing it to be about half past six when the family sat down to dinner, from your knowledge of the time which in that house is usually spent at dinner, what hour do you suppose it to be, when the ladies quitted the room?

A. I should suppose it to be about half past eight.

Q. From what you know from having sometimes dined at Barmeth, was it usual with Mr. Francis Bellew to sit as long at table after dinner, as the rest of the family?

A. He usually got up from table after drinking two or three glasses of wine, after the ladies left the room.

Q. You mentioned that he went out of the room and returned again two or three times, did he when he returned appear as if he had been riding?

A. Not at all.

Q. Had he changed his dress or put on boots?

A. No, he had dressed as usual for dinner, had put on shoes, and when he had returned after having left the room, was in his shoes and stockings, and in every respect dressed as whilst at dinner.

Q. You

Q. You say he was but a short time away, before he returned to the room, and said he heard shots firing?

A. He was away but a short time.

Q. Was it not in the middle of winter, and the roads probably pretty dirty?

A. It was on the 26th of December.

Q. Do you think if he had been out riding in his shoes and stockings or otherwise, you would not from some mark or appearance about his dress or person, have perceived it?

A. I think I should, and from every thing I saw, I have not any idea that he had been riding.

Q. You mentioned that it was something more than half a mile from the Cross of Grange to the house of Barmeath now, if he had rode that distance as fast as he possibly could, do you think, at the time of the year it then was, it would put himself and his horse in a violent sweat, or make them appear as described by the witness who has just been examined?

A. I don't think it is possible it should.

Q. Do you know whether Sir Patrick Bellew had any particular reason to apprehend an attack on the day you are speaking of, or any reason to induce him to prepare

for a defence on that day, more than any other?

A. I do; when I was at the house some of the Defenders came to the gate to ask for the arms; they said, they wished to have them peaceably and without alarming the family, and that for that reason, three or four of them had been sent on by the others to ask for them, but if they were not given freely, they must have them by force, and that there was a large body of Defenders from whom they had been sent, waiting for an answer at a little distance.

Q. Did you hear what answer was given?

A. I heard that Mr. Francis Bellew told them they could not get them, and that if they insisted and attempted force, the family would defend themselves, and I heard that Sir Patrick Bellew had directed the same answer to be given.

Q. Do you recollect to have heard that any other person of the family had any conversation with the Defenders on that day?

A. I heard that you had a conversation with some of the Defenders at the gate of the house, I was there myself, when a man armed, and on horseback, came by the

gate of Barmeath, and heard you speak to him, and remonstrate with him on the impropriety of the conduct of the Defenders, urging them to stay quietly at home, and avoid meeting together, and tell them if they did so, they would not be hurt.

Q. Did you ever hear of any association having been formed by the family of Barmeath, a little after the *time you are speaking of*?—[Here, the Court interrupted Mr. William Bellew, saying that he must see, that kind of question was not necessary, as to the fact at issue]—Mr. Bellew replied, that he felt very well that it was not, and that he also felt, that if an acquittal was his object, it was totally unnecessary for him to have asked a single question, but that he trusted that every person present would feel, that an acquittal was the least part of what he had in view; that he felt strongly on seeing such a prosecution instituted, and wished to shew, that the uniform exertions of his whole family had, so far from tending to promote sedition, been of a tendency directly contrary—and was desirous that it should appear publicly in the face of the county, what kind of prosecution this was; that under these circumstances, he trusted he should meet indulgence, and that the Court would

allow him a latitude of examination, which in common cases perhaps would not be justifiable.

Mr. JUSTICE CHAMBERLAIN acquiesced, and said he would not stop him.

The question was then repeated, and the witness answered, I did.

Q. Do you conceive that that association was of a nature to disturb the peace, or was it intended to support it?

A. I understood it was intended to support the peace and bring offenders to punishment.

Q. Do you know of any persons having been taken up by this association?

A. I do.

Q. Do you know of any persons having been brought by them before a magistrate?

A. I do, I once met Mr. Francis Bellew with some of the association conducting a person whom they had taken to a magistrate.

Q. Did you ever hear of any persons taken by this association, having been committed by the magistrate and afterwards prosecuted?

A. I have.

Q. Did you ever hear of any such persons having been convicted?

A. I did,

A. I did, I believe there were three taken by that association, prosecuted and convicted at the last Spring assizes for this county, and since hung.

Q. Now Sir, you have in the course of your profession been frequently at Barmeth, and I ask you, whether from every thing you saw or heard there at any time, and particularly on the day of which you are now speaking, and from any thing you ever saw or heard from the gentleman now on his trial, you had any reason to believe that either he or any of his family were likely to abet or support the Defenders?

A. None Sir, but on the contrary every reason to make me believe the reverse.

Q. From every circumstance you have heard from the witness who has been just examined, and from every thing you saw, heard or know, do you think it possible the gentleman now on his trial can have been the person described by the same witness to have met the Defenders at the Cross of Grange?

A. I am very clear, from having been at Barmeth that day, and from what I saw, that he cannot be the person.

This examination being finished, the Counsel for the Crown said, they had no other witness to produce.

Mr.

Mr. DOBBS then on behalf of the traverser, declared he hardly knew what he ought to say, after such a prosecution, acquittal was out of the question, for conviction was impossible. But in such a business it was necessary to say something, that might go along with that acquittal, to satisfy the public of the innocence of the young gentleman accused, whose propriety of conduct, and amiableness of manners, had never before been questioned.

Mr. DOBBS said that in a business of such a nature, it was not easy to separate the consideration of it from the situation and disposition of the family to which the traverser belonged: Sir Patrick Bellew, his father, was, in point of rank, fortune, and respectability, one of the first in the list of Irish Roman Catholics; to suppose that such a man, either in his own person, or through the medium of his son, should encourage the Defenders, was out of all line of probability. What other termination of the success of such a body could he look for, than that which had taken place in a neighbouring country? Had it been the interest of Roman Catholics in France of the description of Sir Patrick

Patrick Bellew, to encourage tumult and riot? as it was there, so would it have been here; and rank, property, respectability, no matter what the religion of the owner might be, would have been the signal of destruction, whilst those who possessed them, must either have abandoned their country, or perished in the field, or on the *scaffold*. But, said Mr. Dobbs, the sentiments of Sir Patrick Bellew and his family, do not depend on probability, they are known from their positive conduct: that they might from their situation have taken a lead in the late Catholic convention which assembled in Dublin, cannot be denied; knowing however that such a meeting was contrary to the wishes of government, they did all they could to prevent that mode of applying for the just rights of Catholics, though equally anxious with the rest of their brethren, that such rights should be obtained. Had riot been their object, and had they sought to be at the head of the Defenders, will any man believe that such would have been their conduct; to be the leader of any body of people, all their wishes must be acceded to; and the loss of popularity, with the mass of the *lower orders of Catholics*, of whom the Defenders were composed, was the inevitable consequence

consequence of opposing so favourite a measure as that of the election of delegates.

Mr. DOBBS said there was if possible a stronger point of view, in which their conduct was to be placed; it had appeared this day in evidence, that Sir Patrick Bellew and his family, had about the time in question formed an armed association, composed of themselves and the neighbouring tenants, or order to support government, and to bring to justice all offenders against the laws; many persons had in consequence thereof, been taken by them, brought before different magistrates, and three of them had been tried, convicted and executed; this speaks stronger than a thousand arguments, that every tumultuous proceeding in the county, was against the wish of that truly respectable family.

Mr. DOBBS said, from the testimony which had been given on the table, it appeared to him extraordinary, that such a trial had ever taken place; how such an unfounded prosecution had arisen was not easily to be accounted for; he said that he would not suppose that any man or men of consequence or influence could have been the instigators of it; and he concluded with saying, that he felt himself warranted in declaring,

claring, in the face of the county, that wherever it originated, it was one of the most scandalous and unjustifiable accusations that had ever come before a public tribunal.

Mr. WILLIAM BELLEW on the same side observed, that in a case like the present, he would consider it a disgrace to the gentleman accused, to be obliged to call a single witness in defence of his conduct; that therefore, they would go into no evidence on his behalf.

Mr. SAURIN on behalf of the Crown, then rose and said that he hoped no such impression as that which what had fallen from Mr. Dobbs naturally tended to produce would prevail against the government of the country, or those acting on their behalf in this business. That the government of this kingdom in attending to its peace, and taking the steps necessary to preserve it, know no distinction of rich or poor. That riot and sedition had unfortunately for some time prevailed in the county of Louth, and some other neighbouring counties. That the government of the kingdom had sent down its cers to prosecute the offenders; that they found an accusation against a son of Sir Patrick

trick Bellew's, and that they merely as their duty pointed out, took up and attended to that accusation, which they found prepared when they came to the assizes. That as with respect to Sir Patrick Bellew, he was known to be a man of property, and of respectability in the county in which he lived; and that he understood he and his family stood very respectably with the government of this kingdom. That as to the present prosecution, since the time it had been before those who act for the Crown, he should only say, that they had not been very anxious to bring it forward; and that the matter being now before the Court, was a circumstance in fact much more owing to the exertions and solicitations of the family of the gentleman accused, than to any desire of those acting for the Crown to bring it forward; that nothing violent or oppressive had been done by them in carrying on the business; on the contrary, that the second witness produced by the Crown had been examined at the request of those acting for the gentleman accused, in order to afford an opportunity to them of cross-examining him. That under these circumstances he trusted, that no imputation could lie at the door of those acting for the government of the kingdom, for the part they

they had taken in this business. That as to the question at issue, he would not hesitate to say, that from what had appeared, he was satisfied in his own mind that the gentleman accused was perfectly innocent; and that the person described by the first witness cannot have been he, but must be some other person.

Mr. WILLIAM BELLEW said that after what had fallen from Mr. Saurin, he thought it necessary to say, that no idea ever existed in his mind or in the minds of the family of the gentleman accused, unfavourable to the government of the kingdom, or those acting on their behalf, for the part they had taken in the present business: that on the contrary *as far as they were concerned*, he had nothing to state but his public acknowledgment, for a conduct marked throughout with the utmost politeness, candour, and fairness; but that in saying this much, he begged to be understood as speaking of those who acted on *behalf of the government of the kingdom*.

Mr. JUSTICE CHAMBERLAIN then told the jury, that the present prosecution was the most unfounded and unsupported of any that had ever appeared. That there was not

a tittle of evidence to support it; that on the contrary the very evidence produced by the Crown, proved the very reverse of the charge brought forward.

The jury without a moment's hesitation or stirring from their seats, instantly pronounced a verdict of *NOT GUILTY*.

Counsel for the Crown,

Messrs. M'CARTNEY, SAURIN, DAWSON,
and RUXTON.

Agent, R. JOHNSON.

For the Traverser,

Messrs. DOBBS and WILLIAM BELLEW.

Agent, JAMES METCALF.

It may be proper to observe, that a bill of indictment against Mr. Francis Bellew, for this supposed riot, was found by the Grand Jury at Dundalk, on Thursday the 20th March last; that on the ensuing morning it was quashed on the motion of Mr. Attorney General, for informality, (it was sent up without being shewn to him or

any of the Crown Lawyers) a fresh bill properly drawn, was sent up on the former being quashed, there were two days of the assizes still remaining, yet the Grand Jury neither found or ignored the second bill, though it was grounded on the same information, and precisely the same evidence as that which they had found on the day before. There was an adjournment of the assizes from Saturday the 22d of March, to Friday the 18th of April, and on the latter day they found the bill. On Thursday the 20th of March, the day on which the first bill was found, (subsequent however to the time of finding it) Murphy who had sworn the examination, and on whose testimony the charge was grounded, had been examined as a witness on a trial then at hearing; and four respectable persons had discredited his testimony, by swearing that they knew him well, that he was an infamous man, and one whose general character was that of a person not intitled to credit on his oath in a Court of Justice. It may also be necessary to observe, that it is true the Counsel for the Crown, after hearing Murphy's evidence on the trial of Mr. Francis Bellew, did not seem to wish to go any farther, or to examine Mr. Ruxton. However it was stated to
 them

them on behalf of the gentleman accused, that he requested he might be examined, as he and those concerned for him wished that nothing should be kept back, and that Mr. Ruxton had been summoned by the Crown, on the day the first bill of indictment was found: and that on the day before this trial came on, the agent for the prosecution had signified his intention of applying to have the trial put off on account of his absence, considering him of consequence as a material witness. That under these circumstances as he was then present, it was hoped he would not be kept back, but that whatever he could say would be suffered to appear. The Counsel for the Crown then acquiesced, and he was examined as above-mentioned. It is also true, that *from the time the first bill of indictment was found*, every exertion was used by the family of the gentleman accused, to bring the matter to a public trial, as it never could accord with their feelings, that such an accusation when once publicly brought forward should be stifled and passed over in silence; but *the finding of the first bill of indictment*, was without any interference of that family, or any wish expressed by them on the subject; indeed, it was the first intimation

intimation they were supposed to have had that any accusation existed against the gentleman in question.

All comment on the above trial is purposely declined in this place, the object being to lay the facts before the public as they appeared, leaving it to them to form their own opinion on them.



F I N I S.

information they were supposed to have had
that any accusation existed against the
gentleman in question.

All comment on the above trial is par-
tially declined in this place. The public be-
ing to pay the taxes but the public as they
appear leaving it to them to form their
own opinion of them.

